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OFFICE OF PETITIONS

In re Patent No. 7,678,889	: DECISION ON
Macina, et al.	: REQUEST FOR RECONSIDERATION
Application No. 10/523,834	: of PATENT TERM ADJUSTMENT
Issue Date: March 16, 2010	: and
Filed: April 26, 2006	: NOTICE OF INTENT TO ISSUE
Attorney Docket No. DEX-0532	: CERTIFICATE OF CORRECTION

This is a decision on the "Application for Patent Term Adjustment Determination under 37 C.F.R. §1.705(d)", filed March 23, 2010, requesting that the patent term adjustment indicated on the above-identified patent be corrected.

The petition is **GRANTED to the extent indicated herein.**

On March 16, 2010, the instant application matured into U.S. Patent No. 7,678,889 with a patent term adjustment of fifty-four (54) days. The Office determined a patent term adjustment of 54 days based upon 324 days of Office delay pursuant to 37 CFR 1.703(b), reduced by 32, 61, 61, and 90 days of Applicant delay pursuant to 37 CFR 1.704(b), and 26 days of Applicant delay pursuant to 37 CFR 1.704(c)(8).

Patentees are correct that the proper amount of days over 36 months from the filing date of the application until the issue date was not included in the "B" delay period. Commencement began on February 6, 2005 (i.e. 30 months from the priority date). Accordingly, the over three year period began on February 7, 2008 and ended on March 16, 2010 (the patent issue date), and is 769 days. See 35 U.S.C. 154(b)(1)(B)(i). Therefore, the "B" delay period is 769 days, not 324 days as originally calculated.

In view thereof, the correct number of days of patent term adjustment is 499 days (0 days of "A" delay and 769 days of "B" delay, reduced by 270 (32+61+26+61+90) days of Applicant delay).

Receipt of the \$200.00 fee set forth in 37 CFR 1.18(e) is acknowledged.

The application is being forwarded to the Certificate of Corrections Branch for issuance of a certificate of correction. The Office will issue a certificate of correction indicating that the term of the above-identified patent is extended or adjusted by **four hundred ninety-nine (499)** days.

Telephone inquiries specific to this matter should be directed to Petitions Attorney Cliff Congo, at (571) 272-3207.



Anthony Knight
Director
Office of Petitions

Enclosure: Copy of DRAFT Certificate of Correction

UNITED STATES PATENT AND TRADEMARK OFFICE
DRAFT CERTIFICATE OF CORRECTION

PATENT : 7,678,889 B2

DATED : March 16, 2010

INVENTOR(S) : Macina et al.

It is certified that error appears in the above-identified patent and that said Letters Patent is hereby corrected as shown below:

On the cover page,

[*] Notice: Subject to any disclaimer, the term of this patent is extended or adjusted under 35 USC 154(b) by 54 days.

Delete the phrase "by 54 days" and insert – by 499 days--